

United States District Court

WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

V.

ORDER OF DETENTION PENDING TRIAL

Carl Luther Thompson, II
Case Number: 1:14-cr-176

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
- ☐ a crime of violence as defined in 18 U.S.C. §3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which the maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternate Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ under 18 U.S.C. §924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternate Findings (B)

- ☐ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Defendant is currently on a state probation hold and has seven prior convictions, including two felonies, one for fleeing and eluding, and one involving controlled substances. He is presently charged with being a felon in possession of a .357 caliber magnum revolver and, on the following day, with being a felon in possession of a .9 mm semi-automatic pistol.

There was apparently testimony presented to the grand jury that on the second occasion, defendant pointed the .9 mm pistol at another person. (continued on attachment)

Part II - Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that no condition or combination of conditions will assure the safety of the community. At the age of 25 defendant has already incurred seven prior convictions, two of them felonies. More significantly, he has violated probation three times, and was on probation when he allegedly committed the two pending charges for being a felon in possession of firearms. The Court can think of no condition or combination of conditions that will assure the safety of the community from (continued on attachment)

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: November 6, 2014
/s/ Hugh W. Brenneman, Jr.
Signature of Judicial Officer
Hugh W. Brenneman, United States Magistrate Judge
Name and Title of Judicial Officer

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Alternate Findings (B) - (continued)

Defendant has three prior probation violations. More significantly, defendant was on probation when the two pending charges occurred.

At the time of his apprehension, it appears he was in possession of, and attempted to discard, a substantial amount of marijuana and cocaine.

Defendant is 25 years old and is unemployed. He lives with his mother and his six-year-old child.

Part II - Written Statement of Reasons for Detention - (continued)

a defendant who has repeatedly violated the law, apparently continues to deal in drugs, and has violated the trust of other courts by violating probation, carrying firearms despite the fact he is a felon, and even doing so despite the fact he is on probation. Such conduct strongly indicates this person is not manageable on pretrial release.